IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 28TH MARCH 2007 / 7TH CHAITHRA 1929

OP.No. 11668 of 1997(L)

PETITIONER:

O.THANKACHAN, AGRICULTURAL ASSISTANT, KRISHI BHAVAN, KANAKKARI, KOTTAYAM DIST.

BY ADV. SRI.S.P.ARAVINDAKSHAN PILLAY
SRI.V.VARGHESE

RESPONDENTS:

1.STATE OF KERALA, REP. BY ITS CHIEF SECRETARY, SECRETARIAT, THIRUVANANTHAPURAM.

2.DIRECTOR OF AGRICULTURE, THIRUVANANTHAPURAM.

3.PRINCIPAL AGRICULTURAL OFFICER, KOTTAYAM.

BY GOVERNMENT PLEADER SRI.MANOJ.
SRI.V.G.SANKARAN

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 28/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P.NO. 20733/97 IN O.P.NO.11668/97

DISMISSED

28.3.2007. SD/- KURIAN JOSEPH, JUDGE.

A P P E N D I X

PETITIONER'S EXHIBITS :

EXT.P1 : TRUE COPY OF THE ORDER NO.15/94-95 DT. 18.2.1995 OF THE AGRIUCULTURAL OFFICER, KRISHI BHAVAN, NEEZHOOR.

EXT.P2 : TRUE COPY OF THE ORDER NO.3/95 DT. 19.5.1995 OF THE AGRIUCLUTRAL OFFICER, STATE SEED FARM, KOZHA.

EXT.P3 : TRUE COPY OF THE ORDER NO.TV2/95 DT. 17.6.1995 OF THE AGRICULTURAL OFFICER, KRISHI BHAVAN, T.V.PURAM.

EXT.P4 : TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE GOVERNMENT ON 17.6.1995.

EXT.P5 : TRUE COPY OF THE E(1)-9312/95 DT. 29.8.1995 OF THE PRINCIPAL AGRICULTURAL OFFICER, KOTTAYAM.

EXT.P6 TRUE COPY OF THE CERTIFICATE DT. 23.8.1995 OBTAINED FROM DR.R.SATHYARAJAN, M.D., CIVIL SURGEON GR.I, COMMUNITY HEALTH CENTRE, VAIKOM.

EXT.P7 TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER ON 9.10.1995 BEFORE THE GOVERNMENT.

EXT.P8 TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER ON 14.10.1995 BEFORE THE HON'BLE CHIEF MINISTER.

EXT.P9 TRUE COPY OF THE ORDER NO.SE(3)7355/96 DT. 30.1.1996 OF THE SENIOR ADMINISTRATIVE OFFICER OF THE DIRECTORATE OF AGRICULTURE.

EXT.P10 TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER DT. 2.5.1996 BEFORE THE DIRECTOR OF AGRICULTURE.

EXT.P11 TRUE COPY OF THE ORDER NO.SA(3) 7355/96 DT. 18.12.1996 OF THE DIRECTOR OF AGRICULTURE.

EXT.P12 TRUE COPY OF THE REPLY SUBMITTED BY THE PETITIONER ON 23.12.1996 BEFORE THE DIRECTOR OF AGRICULTURE.

EXT.P13 TRUE COPY OF THE ORDER NO.SE(3) 7355/96 DT. 1.2.1997 OF THE DIRECTOR OF AGRICULTURE.

TGS

KURIAN JOSEPH, J.

O.P.No.11668 of 1997

Dated 28th March, 2007.

J U D G M E N T

Petitioner is essentially aggrieved by Ext.P13 order passed by the Director of Agriculture. The issue pertains to regularisation of the period between 19.6.1995 to 2.2.1996. According to the petitioner, he is entitled to get the period treated as duty since he was made to wait compulsorily for a posting. The Director has taken a view against the petitioner. Since the petitioner has a remedy before the Government and since this Court has already observed in the judgment in O.P.No.48/1996 to pursue the surviving grievance before the Government, this writ petition is disposed of as follows :-

In the event of the petitioner approaching the first respondent within a period of two months from today, the matter will be duly considered by the concerned Secretary to Government in the Administrative Department with notice to the petitioner and appropriate action in accordance with law in the matter will be taken within another two months.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J

O.P.No.11668 of 1997 (L)

J U D G M E N T

Dated 28th March, 2007.